



House of Representatives

General Assembly

File No. 178

February Session, 2002

Substitute House Bill No. 5291

House of Representatives, March 26, 2002

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DEPARTMENT OF PUBLIC HEALTH DISCIPLINARY ACTION REGARDING HOSPITALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-494 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) The Commissioner of Public Health, after a hearing held in
4 accordance with the provisions of chapter 54, may take any of the
5 following actions, singly or in combination, in any case in which he
6 finds that there has been a substantial failure to comply with the
7 requirements established under this chapter, the Public Health Code
8 and licensing regulations:

9 (1) Revoke a license or certificate;

10 (2) Suspend a license or certificate;

11 (3) Censure a licensee or certificate holder;

- 12 (4) Issue a letter of reprimand to a licensee or certificate holder;
- 13 (5) Place a licensee or certificate holder on probationary status and
14 require him to report regularly to the department on the matters which
15 are the basis of the probation;
- 16 (6) Restrict the acquisition of other facilities for a period of time set
17 by the commissioner; [and]
- 18 (7) Issue an order compelling compliance with applicable statutes or
19 regulations of the department; or
- 20 (8) Impose a civil penalty.
- 21 (b) Notice of the hearing to the holder of a license or certificate shall
22 be effected by registered or certified mail or by personal service,
23 setting forth the particular reasons for the proposed action and fixing a
24 date, not less than thirty days from the date of such mailing or service,
25 at which the holder of such license or certificate shall be given an
26 opportunity for a prompt and fair hearing, and witnesses may be
27 subpoenaed by either party for such hearing. Such hearing may be
28 conducted by the Commissioner of Public Health, a deputy
29 commissioner, or by a member of the Department of Public Health,
30 designated by said commissioner. On the basis of such hearing, or
31 upon default of the holder of such license or certificate, the person
32 conducting such hearing shall specify his findings and conclusions,
33 and said department may, upon the basis of such findings and
34 conclusions take any action authorized by this section that it deems
35 necessary. A copy of such decision shall be sent by registered or
36 certified mail or served personally upon the holder of such license or
37 certificate.
- 38 (c) The commissioner shall adopt regulations, in accordance with
39 the provisions of chapter 54, for the purpose of establishing standards
40 for the imposition of civil penalties in accordance with subdivision (8)
41 of subsection (a) of this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

No fiscal impact is anticipated to result from passage of this bill. It formalizes current practice of the Department of Public Health concerning the imposition of civil penalties upon health care institutions. It is anticipated that the agency will be able to adopt the required regulations within its anticipated budgetary resources.

OLR Bill Analysis

sHB 5291

***AN ACT CONCERNING DEPARTMENT OF PUBLIC HEALTH
DISCIPLINARY ACTION REGARDING HOSPITALS*****SUMMARY:**

This bill authorizes the Department of Public Health (DPH) to impose civil penalties on health care institutions failing to comply with statutory and regulatory licensure requirements, including the public health code. While the bill applies to hospitals, it also covers all other health care institutions licensed by DPH. Currently, DPH has the authority to impose a variety of enforcement actions on health care institutions for failure to comply. Among other things, it can revoke or suspend a license, censure a licensee, issue a letter of reprimand, place the institution on probation, restrict acquisitions of new facilities, and issue a compliance order.

The DPH commissioner must adopt regulations establishing standards for imposing civil penalties.

EFFECTIVE DATE: October 1, 2002

Public Health Committee

Joint Favorable Substitute

Yea 18 Nay 7